

REMARKS

Claims 1, 3-14 and 17-20 are pending in this application. Claims 1, 11 and 12 are independent claims. Claims 1, 11 and 12 are amended. Claim 2 is canceled without prejudice or disclaimer. Reconsideration and allowance of the present application are respectfully requested.

Entry of Amendment After Final Rejection

Entry of the Amendment is requested under 37 C.F.R. § 1.116 because the Amendment: a) places the application in condition for allowance for the reasons discussed herein; b) does not present any additional claims without canceling the corresponding number of final rejected claims; and/or c) places the application in better form for an appeal, if an appeal is necessary. Entry of the Amendment is thus respectfully requested.

Claim Rejections

Rejections under 35 U.S.C. §102 - *Vayanos*

Claims 1-14 and 17-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2002/0122400 (“Vayanos et al.”). This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Applicants respectfully submit that Vayanos fails to teach each of the elements in claim amended claim 1. Vayanos does not teach “the selected TTI being the lowest TTI of the independently generated transport channels” as is required by claim 1. With respect to claim 2, the Examiner directs the Applicants’ attention to paragraph [0037] of Vayanos which states:

[0037] Each transport channel has a TTI and each TF for the transport channel has the same TTI. Thus, the TTI of a TF corresponds to the TTI of the corresponding transport channel. The TTI length parameter is the TTI of the TF. Each TF has a TTI and cannot change during its TTI.

Applicant notes that Vayanos teaches that each transport channel has a TTI and that every TF for a given transport channel has the same TTI. However, nothing in this paragraph or any other part of Riddick discloses “multiplexing the generated transport channels on a selected TTI

basis to form a composite transport channel” and “the selected TTI being the **lowest** TTI **of the independently generated transport channels**” (emphasis added). In fact, Riddick appears to be silent on the process of selecting a TTI. Accordingly, Vayanos fails to teach each of the limitations in claim 1 as is required to support a rejection under §102.

Additionally, claims 11 and 12 have been amended and contain limitations similar to those in claim 1. Accordingly, at least in view of their similarity to claim 1, Vayanos fails to teach each of the limitations in either of claims 11 and 12 as is required to support a rejection under §102.

Furthermore, claims 3-10 depend from claim 1; and claims 13, 14 and 17-20 depend from claim 12. Accordingly, at least in view of their dependency from claims 1 and 12, Vayanos fails to teach each of the limitations in any of claims 3-10, 13, 14 and 17-20 as is required to support a rejection under §102.

Therefore, Applicants respectfully request that this rejection of claims 1-14 and 17-20 under 35 U.S.C. §102 be withdrawn.

CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

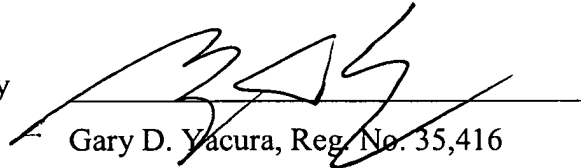
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

A handwritten signature in black ink, appearing to read 'G. Yacura', is written over a horizontal line.

Gary D. Yacura, Reg. No. 35,416

JkA
GDY/JHA/mat

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000